

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

United States of America,

Plaintiff,

v.

Criminal Case No. 18-20323

Christopher Staton,

Sean F. Cox
United States District Court Judge

Defendant.

ORDER DENYING
DEFENDANT'S INFORMAL REQUEST

In this criminal action, Defendant Christopher Staton (“Staton”) was charged with Conspiracy to Distribute Controlled Substances, in violation of 21 U.S.C. §§ 846 and 841(a)(1), along with two counts of making a false statement to a federal agent, in violation of 18 U.S.C. § 1001(a)(2). Staton was originally represented by retained counsel, attorney Todd Russell Perkins, who entered his appearance on October 25, 2018.

On August 20, 2019, however, a Stipulated Order allowed attorney Sanford A. Schulman to be substituted in the place and stead of Mr. Perkins. (ECF No. 270).

Staton proceeded to a jury trial, that began on September 11, 2019. The jury convicted Staton on Count One – conspiracy to distribute and possess with intent to distribute at least 400 grams of a substance containing a detectable amount of fentanyl but acquitted him on the remaining counts. At sentencing, this Court imposed a sentence of 216 months’ imprisonment, below the Guidelines range of 235 to 293 months.

Still represented by Mr. Schulman, Staton filed a direct appeal. On March 19, 2021, the United States Court of Appeals for the Sixth Circuit affirmed Staton’s conviction and sentence.

(See ECF No. 416, Sixth Circuit's Opinion and Order).

On July 1, 2021, Staton filed a *pro se* submission wherein he states that he is in the process of preparing an unspecified “pro se motion concerning” his case and that he had requested unspecified documents from his prior attorney but has not received them. He further states that he recently requested his “entire discovery file” from his prior attorney but has not received it. Staton asks the Court “under the interest of justice” to “order one Attorney Sanford Schulman” to provide him with a copy of his entire file relating to this case. (ECF No. 434).

Although Staton did not file a formal motion, this Court ordered his prior counsel to submit a response to Staton’s request.

Attorney Sanford Schulman filed a response to Staton’s request on August 13, 2021, (ECF No. 436). In it, Mr. Schulman states that both he and Staton’s prior counsel reviewed and provided Staton with all discovery obtained in the case. He further states that Staton was provided with all materials related to Staton’s motions, his sentencing, and his direct appeal. Nevertheless, Mr. Schulman sent Staton a letter asking him to provide a list of any specific items he was seeking. When Staton failed to respond to Mr. Schulman’s letter, Mr. Schulman states that he nevertheless sent copies of a number of materials to Staton. Mr. Schulman asserts that it would be an undue financial burden for him to copy and re-produce the entire file to Staton. He further notes that Fed. R. Crim. P. 16 does not authorize post-conviction discovery.

This Court ordered that Staton could file a reply brief in support of his request by September 13, 2021. Staton did not do so.

Having reviewed Staton’s informal request, and Mr. Schulman’s response to it, the Court hereby DENIES Staton’s request. Notably, Staton’s letter does not claim that he was not previously provided the discovery materials, or other materials he now seeks, from his counsel.

Rather, Staton only asserts that he has recently requested copies of materials and that they have not been provided to him.

If Staton believes that he is entitled to copies of any items relating to this case, he must file a formal motion: 1) specifying the items he seeks; and 2) providing the legal authority to support his request for production of those materials at this juncture (after his conviction and sentence were affirmed on direct appeal). Any such motion must also address whether the items being requested were previously provided to Staton, by Mr. Perkins, Mr. Schulman, or the Government, at any point during the course of his criminal trial or appeal.

IT IS SO ORDERED.

s/Sean F. Cox

Sean F. Cox
United States District Judge

Dated: September 20, 2021